

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

Docket No. 10-04017 (RE: Property Carriers)

(May 7, 2010)

EXPLANATION—Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 706.171, NRS 706.321, and NRS 706.445; §2, NRS 706.171 and NRS 706.321; and §3, NRS 706.171.

A REGULATION relating to motor carriers; defining day, night, and holiday/weekend for purposes of nonconsensual tow rates; allowing tow car operators to deviate from tariff rates if certain requirements are met; requiring tow car operators to maintain a log of visits to a stored vehicle by the owner of the vehicle or his authorized agent; requiring tow bills to list visits to stored vehicles and the last four digits of odometer readings; and providing other matters properly relating thereto.

Sec. 1. NAC 706.408 is hereby amended to read as follows:

706.408 1. The operator of a tow car shall include on a bill for a nonconsensual tow only those rates and charges approved by the Authority in the operator's tariff.

2. The rates and charges for Category C must be based upon a flat rate. The flat rate may vary [~~for the time of day at which the vehicle is towed~~] *as set forth in subsection 3 of this section*, but may not vary according to the time required to tow the vehicle, the distance or the equipment used, except that a rate for mileage similar to the rate for mileage for Category A or B may be charged for a tow of more than 10 miles. An operator of a tow car that is operating under

tariffs that are Category A or B may file a separate schedule of rates and charges for Category C for each type of tow car operated.

3. The flat rate for a Category C tow may vary by time of day and by day of week the tow is performed. If the flat rate varies, the following definitions apply regarding time of day and day of week:

(a) “Day Rate” applies to tows performed between 8 a.m. and 5 p.m.

(b) “Night Rate” applies to tows performed between 5:01 p.m. and 7:59 a.m.

(c) “Weekday Rate” applies to tows performed on Monday through Friday.

(d) “Weekend/Holiday Rate” applies to tows performed on Saturday or Sunday and to tows performed on any day recognized as a state or federal holiday as set forth in NRS 236.015 and in 5 U.S.C. 6103.

4. An operator of a tow car shall include in his tariff a specific reduction in the flat rate charged for releases of a vehicle if the owner of the vehicle or his agent arrives at the scene of the tow before the vehicle is towed.

[4.] 5. The distance for which a rate is charged must be determined by the shortest practical route. A fraction of a mile must be rounded to the nearest mile. The operator of a tow car may use another route only at the request of the owner of the vehicle, his agent or the driver of the vehicle.

[5.] 6. The rates and charges in a tariff for Categories A and B may differ from the rates and charges in a tariff for Category C.

7. With the written authorization of the Chairman or his designee, the operator of a tow car may discount the rates as specified in his tariff with regard to a single towed vehicle upon the operator showing that such a deviation from his rates is based on compelling public policy

grounds and will not operate to defeat the legislative policies set forth in NRS 706.151. At the request of and in the form required by the Authority, the operator must provide all information related to the tow for which the operator is requesting a tariff deviation and shall maintain a copy of the written authorization for tariff deviation with the operator's copy of the tow bill from which deviated.

Sec. 2. NAC 706.410 is hereby amended to read as follows:

706.410 1. If an operator of a tow car includes in his tariff a fee to be charged the owner of a towed vehicle for the storage of the vehicle, the fee may not be charged:

(a) For more than 15 days, unless the operator complies with the requirements set forth in NAC 706.432;

(b) If the owner of the vehicle, his agent or the driver of the vehicle arrives at the place of storage to secure its release before the towed vehicle is placed in storage; or

(c) If the tow was under Category C and is released to the owner or his agent within 24 hours after the vehicle is towed. The charge for the first 24 hours of storage of a vehicle towed under Category C must be included as part of the flat rate charged for the tow.

2. If an operator of a tow car includes in his tariff a fee for allowing the owner of a towed vehicle or his agent to have access to a vehicle held in storage, that fee may not be charged the first time the owner or his agent visits the stored vehicle or when the vehicle is being claimed by the owner or his agent. The operator of a tow car shall not deny the owner of the stored vehicle or his agent reasonable access to the vehicle unless required to do so by a law enforcement agency. The operator of a tow car may require the fee charged for visiting a stored vehicle to be paid in advance of the visit.

(a) The operator of a tow car shall maintain a log for tracking each time the owner of the stored vehicle or his agent visits the vehicle and when the vehicle is being recovered by the owner or his agent. The log shall include the date and time of the visit and the name of the person visiting the stored vehicle.

(b) The operator of a tow car shall confirm the identity of persons visiting a stored vehicle by requiring such persons to provide for review: a driver's license, state identification, or other valid form of identification.

3. The operator of a tow car may include in his tariff a charge for opening a secured facility for storage after normal business hours to release or allow access to a towed vehicle. Normal business hours shall be deemed to be between 8 a.m. and 5 p.m. on Monday through Friday, excluding legal holidays. Such a charge is in addition to any other charge for storage or access to the vehicle. The operator of a tow car may require that the charge for opening a secured facility for storage be paid in advance of opening the facility.

Sec. 3. NAC 706.420 is hereby amended to read as follows:

706.420 1. The operator of a tow car shall itemize on the bill for a nonconsensual tow each rate used or fee charged to compute the total bill. All charges must be substantiated in writing and attached to the bill. In addition to the rates and fees, each bill must contain, except as otherwise provided in subsection 2:

(a) The name, address, telephone number and number of the certificate of the operator of the tow car.

(b) The address of the facility where the towed vehicle is stored if it is different from the address of the operator of the tow car.

- (c) The date and time of the request for the nonconsensual tow, including a designation of “a.m.” or “p.m.” or other comparable designation of time.
- (d) The name and address of the registered owner of the towed vehicle, if available.
- (e) The model, make, identification number, number of the license plate, state of registration and year of manufacture of the towed vehicle, if available.
- (f) The exact location from which the vehicle was towed.
- (g) The exact location to which the vehicle was initially towed, if different from the address of the facility where the vehicle is stored.
- (h) The time when the tow car was sent to the vehicle and the reading of *at least the last four digits of* the odometer at the beginning of the trip.
- (i) The time of the arrival of the tow car at the site of the car to be towed and the reading *of at least the last four digits* on the odometer upon its arrival.
- (j) The time of the departure of the tow car from the site of the vehicle to be towed.
- (k) The time of the arrival of the tow car at the location to which the vehicle was towed and the reading of the odometer upon its arrival.
- (l) The total time which passes while at the site of the towing in hours and minutes.
- (m) The exact mileage and hourly charges.
- (n) If an extra person was required, the time he was sent to the site and the time he returned.
- (o) *The names of all visitors to the vehicle and the date and time of their access to the vehicle.*
- (p) A detailed listing of all charges and, if charges are based on time, the starting and ending times. If more space is needed for the listing, a separate sheet of paper must be attached to the bill and a notation made on the bill that an additional sheet is attached.

~~[(p)]~~ **(q)** The date and the time the storage of the vehicle started and ended and a notation of whether the vehicle was stored inside a locked building or in a secured, fenced area.

~~[(q)]~~ **(r)** A statement of the total charges.

2. Any name or address which is the same as another on the bill may be so indicated. Odometer readings need not be listed for nonconsensual tows not involving charges for mileage.

3. If a bill is prepared incorrectly or is incomplete, only the substantiated charges may be collected.

4. An operator of a tow car may keep forms for bills for nonconsensual tows in an electronic storage device, including, without limitation, on a computer.